



## Zoning Administrator Hearing

### *Minutes*

Mizner Conference Room  
Mesa City Plaza Building, Suite 130  
20 East Main Street  
Mesa, Arizona, 85201

**John S. Gendron**  
**Hearing Officer**

**DATE** September 16, 2008      **TIME** 1:30 P.M.

#### Staff Present

Jeff McVay  
Brandice Elliott  
Kelly Arredondo

#### Others Present

Ken Eller	Keith Maltz
Elena Huzar	Chuck Grasser
Shanon Cluff	Patrick Tachoir
Dan Cable	Rae Young
Michael Shontell	David Young
Mike Guzman	

### CASES

Case No.:	ZA08-072
Location:	2309 East Lynwood Street
Subject:	Requesting a variance to allow a room addition to encroach into the required rear setback in the R1-9 zoning district.
Decision:	<p>Approved with the following conditions:</p> <ol style="list-style-type: none"><li>1. <i>Compliance with the site plan submitted except as modified by the conditions below.</i></li><li>2. <i>The length of the addition shall be reduced to fifteen-feet (15').</i></li><li>3. <i>No wall projections shall be permitted on the addition.</i></li><li>4. <i>The maximum roof area of all structures shall not exceed forty percent (40%) of the lot size.</i></li><li>5. <i>Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.</i></li></ol>
Summary:	<p>Mike Guzman and Chuck Grasser represented the request. Upon clarifying what could be included in a wall projection, they noted that the 13-foot width recommended by staff would not be sufficient to accommodate the bedroom furniture and wheelchair accessibility. They proposed a room size of 15 feet with no provision for wall projections. Mr. Gendron clarified some items within the staff report. Ms. Elliott gave a summary of the staff recommendation, noting acceptance with the applicant's proposal. Mr. Gendron noted the size of the lot, the non-parallel lot lines, that the majority of the home exceeds setback requirements, that the</p>

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variance would not preclude a rear yard activity area, and that the proposal is a common addition in approving the variance request as modified by the applicant.

Finding of Fact:

- This request consists of the expansion of an existing residence into a required rear setback. The approved addition consists of a 330 square foot bedroom that would encroach 7-feet into the rear setback. While current code requires a 25-foot rear setback, the addition will result in a setback of 18-feet. The bedroom is intended for elderly parents, and is not considered an accessory living quarters, as it will not include cooking facilities.
- The dwelling, constructed in 1989, is located on one of the smallest lots in the subdivision. While the R1-9 district requires a minimum lot size of 9,000 square feet, the subject property is 8,934 square feet in area. Other lots in this subdivision range from approximately 9,000 square feet to over 15,000 square feet.
- The lot is unique in that the east and west property lines are not parallel, resulting in a smaller rear yard than adjacent properties. This configuration leaves little room to improve the property without encroaching into required setbacks. The dwelling complies with all setback requirements, and maintains a 30-foot rear setback, where 25-feet is required. There are very few options for improving the site so that it may be comparable to other homes within the subdivision.
- The addition will add square footage to the dwelling that is comparable to existing dwellings in the subdivision. As a result, the applicant is not requesting special privilege to have a home larger than those existing in the subdivision. Including the addition, there remains sufficient area for a rear yard activity area.
- As justification for the requested variance, the applicant has noted that: 1) the proposed addition will not adversely affect the neighborhood; and 2) the design of the proposed addition will be integrated with that of the dwelling.
- While justification exists for a variance for the proposed addition, there is not enough justification for the extent of the proposed encroachment. The size of the proposed room addition is fairly large, and could be reduced to achieve greater compliance with current Code requirements. The applicant proposed that the bedroom be reduced to a length of 15-feet, which would result in an encroachment of 7-feet and a rear setback of 17-feet. No wall projections will be permitted on the approved addition.
- The roof area of all structures may not exceed 40% of the lot size, which is 3,573 square feet in this case. The approved variance will not provide an exception to this requirement.
- There are unique conditions related to the size and configuration of the

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property that make it difficult to improve the existing dwelling so that it may remain comparable to surrounding residences. The approve addition would be a reasonable size and will be compatible with, and not detrimental to, adjacent properties or the neighborhood in general.

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- Case No.: ZA08-073
- Location: 1133 North Dobson Road
- Subject: Requesting a Special Use Permit (SUP) to allow the number of special events and number of special event days to exceed the maximum allowed during the calendar year in the C-3 zoning district.
- Decision: Approval with the following conditions.
1. *Compliance with the plans submitted, except as modified by the conditions below.*
  2. *The number of special events may not exceed twenty (20) per calendar year, and the aggregate number of special event days may not exceed eighty (80) per calendar year.*
  3. *Special events shall be restricted to the parking area identified on the site plan and within the pedestrian.*
  4. *Farmer's Markets shall not be permitted as part of this request.*
  5. *Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.*
- Summary: Keith Maltz, Bass Pro, represented the requested SUP, noting agreement with the staff report and recommendation. Mr. Gendron discussed with the applicant and staff the current requirements, the reason for the requested SUP, the anticipated operational plans of the special events, and anticipated special event signage. It was agreed that the SUP would be valid for one year and could be approved for a longer period with the next if no concerns are raised during this year. Mr. Maltz noted that one event may include the placement of boats on the property for up to two weeks in addition to the actual special event and that no signage directed at freeway traffic has been previously used or is anticipated. Deputy Fire Chief, Shanon Cluff spoke in favor of the request, noting one of the events would be a National Preparedness Day associated with the Fire Department. Mr. McVay provided a summary of the staff recommendation. Mr. Gendron noted the good location of the event and the minimal impact to surrounding properties in approving the request.
- Finding of Fact:
- The approved Special Use Permit (SUP) allows the number of special events and the number of special event days to exceed Code maximums during a calendar year. Bass Pro Shops is a destination shopping experience that affords many opportunities for special events related to in-store business. The applicant has further noted that family and community oriented events will promote increased patron traffic that will encourage the success of the overall Mesa Riverview development.
  - The operation plan submitted indicates that the primary special event location is the northeastern parking field. The proposed location would have no impact on the nearby 202 Freeway or gravel extraction operation and is the furthest distance from other retail establishments possible. The nearest residential use is greater than 2,500 feet away and separated by intervening buildings. Vehicular

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circulation will be maintained through the site and that at no time would more parking area be utilized than is necessary to accommodate the event.

- The Bass Pro provides a total of approximately 880 parking spaces where 745 spaces are required. If the entire parking area designated for special events were utilized, a total of approximately 220 parking spaces would be lost, resulting in 660 available parking spaces. While this is less than required for Bass Pro, the applicant will likely not utilize the entire parking field designated for special events and additional shared parking is available behind the building and on the north side of the Main Street district.
- The applicant has identified several events that would occur on the premises. It appears that the majority of the events would occur annually while others may be periodic. Given the number of events and the estimated days necessary for each event, approval of 20 events annually and amounting to 80 days per calendar year would be sufficient to accommodate the request.
- This request is similar to Special Use Permits that have been approved for Superstition Springs Mall, Fiesta Mall, and Mesa Riverview. Given the scale of the development and the commercial and industrial nature of adjacent uses the request for special events in excess of current Code allowances would be compatible with the site and would not have a detrimental impact to surrounding properties.

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Case No.: ZA08-074

Location: 6747 East Broadway Road

Subject: Requesting modification of a Special Use Permit (SUP) to allow expansion of a cemetery in the AG zoning district.

Decision: Approval with the following conditions.  

1. *Compliance with the site plan submitted except as modified by the conditions below.*
2. *Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.*

Summary: Dan Cable, applicant, represented the request, noting agreement with the staff report and recommendation. Mr. Gendron clarified the location of the request and how it relates to the rest of the cemetery property. Ms. Elliott provided a summary of the staff recommendation. Mr. Gendron noted the relatively minor nature of the request and the compatibility of the request with surrounding properties in approving the Special Use Permit.

Finding of Fact:

- Mariposa Gardens is a cemetery that has been in operation since 1996, when it was originally approved by City Council (reference Z96-063). The cemetery is comprised of several parcels, some currently zoned AG, while others are still zoned C-2. The subject parcel was recently rezoned from C-2 to AG, receiving approval from City Council September 8, 2008 (reference Z08-051). The expansion of the cemetery will not include any new structures, and will comply with all site development requirements.
- The existing cemetery does have a Special Use Permit that applies to the properties currently used as a cemetery (reference ZA96-150). The property currently under consideration could not be included in the original request for a Special Use Permit given that cemeteries are not permitted uses in the C-2 zoning district. Therefore, to accommodate expansion of the cemetery, the Special Use Permit must be modified to include the parcel.
- To ensure that the expansion remains compatible with the existing cemetery, the applicant has proposed to replace an existing stretch of post and cable fence along the Broadway Road frontage with a wrought iron fence. The new fence will match the fence that is utilized elsewhere around the perimeter of the development.
- The applicant has completed neighborhood notification requirements as required with the request to rezone the property, and the request for a Special Use Permit. All property owners and neighborhood associations within 300-feet have been notified of the expansion, and no inquiries or concerns have been received.

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- The proposed expansion will be surrounded by the existing cemetery and will have frontage on Broadway Road. The expansion area would be in compliance with the General Plan, as the property is designated as public/semi-public. As a result, the proposed expansion will be compatible with, and not detrimental to, adjacent properties or the neighborhood in general.

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Case No.: ZA08-075

Location: 154 East Baseline Road

Subject: Requesting a Substantial Conformance Improvement Permit (SCIP) to allow expansion of a general commercial use in the M-1 zoning district.

Decision: This case was continued to the September 23, 2008 hearing.

Summary: Ken Eller, architect, represented the SCIP request. Mr. Eller noted opposition to recommended conditions of approval 2, 3, and 4 related to perimeter landscaping and foundation base requirements. Mr. Eller stated the owner was unable to attend the hearing, but felt that site planning had been finalized through negotiations with staff and the recommendations were not previously discussed. Mr. Gendron recommended a one week continuance to allow the applicant and staff to discuss the remaining issues and possibly come to some resolution.

Finding of Fact: N/A

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- Case No.: ZA08-076
- Location: 1957 North Hobson Road
- Subject: Requesting a Development Incentive Permit (DIP) to allow development of offices in the C-2-PAD zoning district.
- Decision: Approval with the following conditions.
1. *Compliance with the site and landscape plans submitted, except as modified by the conditions below.*
  2. *Excepting the north property line setback; perimeter, interior, and foundation base landscape quantities and size shall comply with current Code requirements.*
  3. *Use of the buildings shall be limited to those uses permitted in the C-2 zoning district. No industrial, manufacturing, or warehousing uses shall be permitted.*
  4. *Compliance with all requirements of Case Z04-75.*
  5. *Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.*
- Summary: Michael Shontell, architect, and David Young, property owner, represented the request. Mr. Shontell noted concern with staff recommended conditions of approval 3, 4, and 5 related to parking, foundation base width, and perimeter wall. Mr. Shontell and Mr. Young stated they felt the site plan had already been approved by an Administrative Design Review. Mr. Gendron led discussion of the applicant concerns, site plan, planned use, parking, and signage. Mr. Gendron noted that no changes to uses allowed in the C-2 zoning district could be approved without rezoning the property. Mr. McVay noted that the conditions were recommended to address uncertainties of the site plan, and through discussion, it was confirmed that the site plan addressed these conditions. Mr. Gendron confirmed with the applicant that Hobson has been constructed and that on-street parking was permitted. Mr. McVay provided a summary of the staff recommendation noting the qualification of the site for approval of a DIP. Mr. Gendron noted the concerns related to foundation base and perimeter wall have been addressed, that on-street parking mitigates a one space reduction on-site, and that development of this property will be a significant improvement to the area in approving the DIP with the elimination of staff recommended conditions 3, 4, and 5.
- Finding of Fact:
- The approved Development Incentive Permit (DIP) allows development of two, 3,200 square-foot and one, 2,600 square-foot office buildings on an approximately 1.85 acre parcel. The applicant has requested a DIP to allow the development without full compliance with current development standards. The proposed plan has received rezoning and site plan approval (case Z04-75).
  - The DIP approved reduced setbacks from the north, east, and small portion of the south property lines and a one space reduction in on-site parking. The plan includes the phasing of development. The first phase is complete and consists of the stand alone development adjacent to McKellips Road. The second phase consists of the first new 3,200 square-foot office building and parking lot, retention, and landscape improvements for the entire site. The third phase

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consists of the construction of the remaining 3,200 and 2,600 square-foot buildings.

- The site is consistent with the size and age of surrounding development criteria to be considered a by-passed parcel; the project is consistent with the General Plan designation of Medium Density Residential 4-6 du/acre, which anticipates small scale office and retail developments; the incentives requested will permit development commensurate with existing development along the south side of McKellips Road between Horne and Hobson; and the incentives are necessary to develop the property, due to the existence of a 30-foot wide public facilities easement adjacent to the east property line over the land formally dedicated as part of Hobson.
- Sufficient justification exists to permit the requested reductions in landscape and building setbacks as shown on the proposed site plan. The one space reduction in on-site parking can be mitigated by existing on-street parking on Hobson.
- Primary concern with the project relates to the potential use of the buildings. The buildings are one-story with a height of nearly 25 feet, include a 14-foot high roll-up door, have a significant amount of floor area devoted to “shop”, and include a parking calculation for industrial uses. The applicant has provided a statement of the intended use of the buildings that notes the building will be utilized for furniture, appliance, or shoe repair shop and a general auto repair shop. A condition of approval has been included to address the use of the buildings.
- The proposed buildings do not require Design Review Board review. Consistency with the intent of the Design Guidelines will be accomplished through the permitting process. Discussion with Design Review staff has indicated that additional architectural detailing should be added to break-up the large, blank walls of the rear building elevation.

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There being no further business to come before the Zoning Administrator, the hearing adjourned at 2:52 p.m.

The cases for this hearing were recorded and are available upon request.

Respectfully submitted,

John S. Gendron  
Hearing Officer

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